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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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BANGLADESH-INDIA: Rising energy demand cannot be used for destroying people and their habitats

The Asian Legal Resource Centre (ALRC) wishes to draw attention of the Human Rights Council to massive displacements and damage to habitats caused across Asia for meeting growing energy needs.

A case in point is that of Rampal Power Station in Rampal, Bangladesh. India's National Thermal Power Corporation (NTPC) and Bangladesh's Power Development Board (PDB) are jointly building the coal based thermal power centre. The land for the plant was allocated in December 2010 flouting all norms and without any assessment of its impact on the people and the habitat.

Experts and environmentalists in Bangladesh protested against the decision and highlighted the high environmental risks that the proposed plant would cause. Taking cognizance of the same, the High Court in Bangladesh ruled against the establishment of the plant without assessing the environmental aspects. The Department of Environment (DoE) then rushed to publish an Environmental Impact Assessment (EIA) report declaring the proposed plant as 'environment friendly'. The DoE then made its report public and sought feedback online, again in violation of the rules which stipulate that the report must be published first for feedback and only then can it get approved or disapproved. However, the two governments, of Bangladesh and India, went ahead in utter disregard of the rules and signed a treaty to build the Rampal power plant on 20 April, 2013. The framework agreed in the treaty includes joint initiative, implementation and purchase.

Interestingly, a similar power plant that the NTPC sought to build in the Indian state of Chhattisgarh to produce the same amount, 1,320 megawatt, of electricity was found to be 'highly threatening to environment' by the Green Panel of the India's Ministry of environment and was eventually disapproved.

Further, the EIA report by Bangladesh DoE states that a radius of 10 kilometers from the Sunderbans is considered as Environmentally Critical Area (ECA) and the proposed spot for the plant is 14 kilometers away from the forest, making the plant not risky. However, the findings of independent experts through Geographical Information System (GIS) software put the real distance in-between 9 and 13 kilometers.

Ironically, India's Wild Life Protection Act 1972 prohibits building power generation plants within 15 kilometers radius of wildlife sanctuaries, national parks and other biodiversity rich areas. As an implication of the same, the plant that NTPC has proposed to build near the Sunderbans, a Bangladeshi forestry, would not be allowed if it was in India.

Further, there are significant inconsistencies in the project document over land requirement for the project. The Rampal plant puts the land required at whopping 1,834 acres of land, significantly higher, in fact almost triple the land required for similar projects producing around 1,300 megawatts of electricity built by the NTPC in India. The land here consists of agricultural lands, fisheries and human habitats. Over 95 per cent of the allocated land is highly fertile and capable of sustaining three crops an year. Also, more than 8,000 families are permanent residents of the allocated land and among them 7,500 families live on the mentioned farming and fisheries. Acquisition of the land for the Rampal plant will lead to forced displacement of these people.

The NTPC has often been in conflict with the people even in India and the clashes caused by its land acquisitions have even led to violence and killing of people. One of the most recent example of the same was the police firing on people protesting against acquisition of their lands for a coal mine project of the public sector undertaking in 2016. The firing that killed 4 and injured many in Dadikala Village of Barkagaon Block in Hazaribagh District of Jharkhand was almost a repeat of police firing an year before in which several people were seriously injured.

Because of emitting many dangerous pollutants, including toxic gases and fly ash, coal based thermal power plants are dangerous for the environment in any case. Building them in such close proximity of human habitats in areas with great biodiversity makes them even more dangerous.

Being prone to soot formation in heat exchangers and boilers makes thermal power plants highly prone to accidents, often causing huge damage even to human lives. An example of the same is the boiler explosion in NTPC's Feroze Gandhi Unchahar coal-fired power plant in Raebareli district of Uttar Pradesh in India. The explosion that took place in a recently operationalized unit killed 32 people.

In light of this, the ALRC urges the Council to:

a) Ask the government of Bangladesh to immediately scrap the Rampal Power Station project.

b) Urges the government of Bangladesh to ensure that no such projects are started without an impartial, efficient and transparent assessment of their impacts on the environment and also on the people living in the area where the project will come up.

c) Ask the governments in Asia to evolve a comprehensive policy for dealing with conflicts between development projects and the people getting affected by them. Such a policy must be evolved with serious and genuine consultation with all the stakeholders- including the government agencies, the people and their representatives, members of the civil society, experts, and independent social and human rights bodies.